

ALEX G. TSE (CABN 152348)
United States Attorney

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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO: 17-00204 JD
)	
Plaintiff,)	STIPULATION REGARDING REQUEST FOR
)	CONTINUANCE OF MOTIONS BRIEFING AND
v.)	HEARING SCHEDULE
)	
EUGENE LATRELL MCNEELY,)	
)	
Defendant.)	
)	
)	

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Northern District of California and Assistant United States Attorneys Katherine M. Lloyd-Lovett and Ross Weingarten, and defendant, by and through his counsel of record, John Jordan, hereby stipulate as follows:

1. On December 5, 2018, defendant filed four motions: (1) a motion to suppress; (2) a motion for bill of particulars; (3) a motion for discovery; and (4) a motion for disclosure of Federal Rule of Evidence 404(b) evidence. Dkts. 76–79.

2. Before the time of the filing of the motions and in the following days, the parties were actively engaged in plea negotiations. However, those plea negotiations were unsuccessful and

STIPULATION REGARDING REQUEST FOR CONTINUANCE OF MOTIONS SCHEDULE
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terminated on December 10, 2018.

3. On December 10, 2018, the Court vacated the trial date of February 4, 2019, in this matter, as well as the January 24, 2019, pretrial conference, in light of defendant's new motions and the Court's trial calendar. Dkt. 81. The Court directed the parties to jointly propose new dates for the pretrial conference and trial in May or June 2019. *Id.* The parties are currently meeting and conferring about the appropriate dates to propose to the Court.

4. Pursuant to the Court's October 10, 2018, Minute Order, the government's opposition briefs to defendant's pending motions are currently due on December 20, 2018, with the defendant's replies due January 2, 2019. Dkt. 66. A hearing on the motions is set for January 9, 2019. *Id.*

5. Given the continuance of the date set for trial and the time expended by the parties on their recently concluded efforts at resolving this case, the parties respectfully request that the Court continue the briefing schedule on defendant's pending motions, as well as the hearing date on the motions. The parties respectfully request the following proposed schedule:

January 9, 2019: Government's Oppositions Due

January 23, 2019: Defendant's Replies Due

February 6, 2019 at 10:30 a.m.: Hearing on Defendant's Motions

6. The undersigned Assistant United States Attorneys certify that they have obtained approval from counsel for the defendant to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED: December 11, 2018

ALEX G. TSE
United States Attorney

/s/
KATHERINE M. LLOYD-LOVETT
ROSS WEINGARTEN
Assistant United States Attorneys

DATED: December 11, 2018

/s/
JOHN JORDAN
Counsel for Defendant EUGENE MCNEELY

~~PROPOSED~~ ORDER

The Court has read and considered the Stipulation Regarding Request for Continuance of Motions Briefing and Hearing Schedule, filed by the parties in this matter.

For good cause shown, the motions briefing deadlines and hearing scheduled in the Court's Order of October 10, 2018 (Dkt. 66) are **hereby continued** to the following dates:

January 9, 2019: Government's Oppositions Due

January 23, 2019: Defendant's Replies Due

February 6, 2019 at 10:30 a.m.: Hearing on Defendant's Motions

IT IS SO ORDERED.

DATED: 12/18/18



HON. JAMES DONATO
UNITED STATES DISTRICT JUDGE